

REMARKS

Claims 6-24 are pending in the present application. Reconsideration of the pending Claims is respectfully requested in view of the following remarks.

The 35 U.S.C. §101 rejections

Claims 12 and 14 have been rejected pursuant to 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully asserts that Claims 12 and 14 are process claims that include actions producing a useful, concrete and tangible result related to a particular application and thus comply with 35 U.S.C. §101, or at least the judicial exceptions thereto. For example, Claim 12 describes a first writing process to write said contents in said cache memory means, when said contents are received in said receiving process. Contents that are written in a cache memory means are not only reduced to a different state, but also, once written, provide a useful, concrete, and tangible result. In another example, Claim 14 describes a first writing process executable when contents are received in said receiving process, said first writing process executable to write said contents in said content storage means in association with a first identifier indicating that said contents are to be stored temporarily. Contents written in said content storage means in association with a first identifier are not only reduced to a different state, but also, once written and associated with a first identifier, produce a useful, concrete, and tangible result. Accordingly, withdrawal of the 35 U.S.C. §101 rejections of Claims 12 and 14 is respectfully requested.

The 35 U.S.C. §103(a) rejections

Claims 6-7, 11-15, 17, and 19-24 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0078636 to Suzaki (hereinafter "Suzaki") in view of U.S. Patent No. 5,678,021 to Pawate et al. (hereinafter "Pawate"). In addition, Claim 8 was rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Suzaki in view of Pawate, and further in view of U.S. Patent Publication No. 2004/00111443 to Wong et al. (hereinafter "Wong"). Further, Claims 9-10, 16, and 18 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Suzaki in view of Pawate, in view of Wong and further in view of U.S. Patent

Publication No. 2003/0014496 to Spencer et al. (hereinafter "Spencer"). Applicant respectfully traverses these rejections because each and every limitation provided in Claims 6-24 are not taught, suggested, or disclosed by the cited references either alone or in combination. Thus, a *prima facie* case of obviousness has not been established.

Claims 6-10

Claim 6 describes operation input means for receiving a command from a user and a processor configured to receive contents. Claim 6 also describes that said processor is operable, when said contents are received, to write said contents in said cache memory means, and after said contents are stored in said cache memory means, to process or execute said contents automatically, absent receipt of a command initiated by a user. In addition, Claim 6 describes that the processor is further operable, in response to a command received via said operation input means to store said contents that have been processed or executed by said processor, to read said contents from said cache memory means, and to write said contents in said content storage means.

In sharp contrast, neither Suzaki nor Pawate, alone or in combination, teach or suggest a processor operable, in response to a command received via said operation input means for receiving a command from a user, to store said contents. To the contrary, Suzaki describes a system with a disk cache and a hard disk that is used to execute an application in the disk cache, without writing to the hard disk in case the application includes a computer virus that could fatally damage the hard disk. (paragraph 31) Suzaki teaches that a switch is used to delay the writing of data from the disk cache to the hard drive using the commonly known write-back method. (paragraph 34) Control of whether the switch is open (write-back disabled) or closed (write-back enabled) is performed with an operating system (OS) kernel that is operated based on requests from a program and trial settings. (paragraph 38) The OS kernel (or Linux kernel) is controlled by a microprocessor (MPU) that is set so that write-backs are not performed when an application program or the like is being tried out. (paragraph 111) Pawate, on the other hand, describes a system in which data is simply read from and written to a smart DRAM by a host CPU without any discussion of the conditions under which such writing occurs. (Col. 7 lines 39-45)

Accordingly, the limitation that is not taught or suggested by either Suzaki or Pawate, is a processor operable, in response to a command received via said operation input means to store said contents that have been processed or executed by said processor, to read said contents from

said cache memory means, and to write said contents in said content storage means. In contrast, Suzuki teaches away by teaching that a write-back occurs in response to requests from a program and trial settings, neither of which are a command received from an operation input means for receiving a command from a user. In addition, Pawate is completely silent regarding any commands received via an operation input means. To that end, neither Suzuki nor Pawate teach or suggest any form of operation input means for receiving a command from a user. Thus, neither Suzuki nor Pawate can possibly teach a processor operable in response to such a command.

In addition, for purposes of appeal, Claim 7 describes that said processor is further operable to receive trial information indicative that said contents are for trial use. Conversely, Suzuki is wholly focused on new software for trial (paragraph 2) and thus Suzuki's system teaches away from such a determination by teaching operation under the assumption that all software is for trial, and Pawate is completely silent on the subject. Also, Claim 9 describes when said size of said free space of said content storage means is smaller than said data size of said contents stored in said cache memory means, said processor is further operable to prompt a user to delete one or more other contents stored in said content storage means. Accordingly, Wong's discussion regarding automatically purging entries from memory based on age (paragraph 59) teaches away from the limitations described in Claim 9. Further, although Claim 10 is indicated as rejected, there is no discussion of the support for such a rejection in the office action mailed October 23, 2006. Instead, the office action appears to simply disregard these limitations completely. Accordingly, it is respectfully requested that the rejection of Claim 10 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claim 11

Claim 11 describes a second writing process to write said contents in said content storage means after said contents are read from said cache memory means, said second writing process executable in response to a command received via said operation input means to store contents processed or executed in said content using process. Both Suzuki and Pawate, on the other hand, do not describe any form of writing process that is executable in response to a command received via an operation input means. To the contrary, Suzuki describes an automated writing process that is initiated by requests provided from a program or trial settings as previously discussed, and Pawate describes a writing process performed by a host CPU.

Claim 12

Claim 12 describes a second writing process to write said contents in said content storage means after said contents are read from said cache memory means, said second writing process executable in response to a command received via said operation input means to store contents processed or executed in said content using process. In contrast, neither Suzaki nor Pawate teach or suggest any form of writing process executable in response to a command received via an operation input means for receiving a command from a user. To the contrary, any form of writing process in Suzaki and Pawate are described as being executed in response to a program and trial settings (Suzaki) as acknowledged on page 4 of the office action mailed October 23, 2006, or a host CPU (Pawate).

Claim 13

Claim 13 describes a processor responsive to a command received via said operation input means to store contents processed or executed by said processor, said processor further operable in response to said command to exchange said first identifier for a second identifier that indicates said contents are to be stored enduringly. Suzaki and/or Pawate, on the other hand fail to teach or suggest a processor responsive to a command received via an operation input means for receiving a command from a user to store contents processed or executed by said processor. To the contrary, Suzaki describes storage in response to a request from a program and trial settings as acknowledged on page 7 of the office action response mailed October 23, 2006, and Pawate describes storage as directed by a host CPU.

Even if one could somehow construe Suzaki or Pawate, or the combination thereof to teach or suggest a processor responsive to a command received via an operation input means, which is clearly not the case, neither Suzaki nor Pawate teach or suggest exchanging a first identifier for a second identifier that indicates contents are stored enduringly. In the office action mailed October 23, 2006, although the limitations of a first identifier indicating that said contents are temporarily stored and a second identifier that indicates said contents are to be stored enduringly were copied from Applicant's claim language, no support for the assertion that these limitations are taught or suggested by the cited references is provided. Since the office action appears to simply disregard

these limitations completely, it is respectfully requested that the rejection of Claim 13 also be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claim 14

Claim 14 describes a second writing process executable in response to a command received via said operation input means to store contents processed or executed in said content using process, said second writing process executable to exchange said first identifier associated with said contents to a second identifier that indicates that said contents are to be stored enduringly. In contrast, neither Suzuki nor Pawate teach or suggest any writing process executable in response to a command received via an operation input means for receiving a command from a user. In addition, neither Suzuki nor Pawate teach or suggest a writing process executable to exchange a first identifier associated with said contents to a second identifier that indicates that said contents are to be stored enduringly. To the contrary, both Suzuki and Pawate are completely silent on such identifiers, and the office action, although copying Applicant's claim language, has failed to provide any support for such assertions, and is instead simply disregarded these limitations. Thus, it is respectfully requested that the rejection of Claim 14 also be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claim 15

Claim 15 describes a processor that is further operable to determine if received content is for trial use. In addition, Claim 15 describes that when the processor is operable to determine the content is for trial use, the processor further operable to temporarily store the content in the first storage area, and automatically process or execute the temporarily stored content, and when the processor is operable to determine the content is not for trial use, the processor is further operable to store the content in the second storage area, and await receipt of a command initiated by a user to process or execute the longer term stored content. In contrast, neither Suzuki nor Pawate teach or suggest a processor operable to determine content is for trial use. To the contrary, Suzuki is wholly focused on new software for trial (paragraph 2), and thus Suzuki's system teaches away from such a determination by teaching operation under the assumption that all software is for trial. In addition, Pawate is completely silent and unconcerned about whether content is for trial use.

In the office action mailed October 23, 2006, it was apparently asserted that Claim 15 included the same limitations as Claims 13 and 14 since "the same rationale as in the rejection of claims 13-14 is herein incorporated." Applicant respectfully traverses this assertion since many of the limitations described in Claim 15, such as the operability of the processor to determine if received content is for trial use are absent from Claims 13 and 14. In addition, the office action mailed October 23, 2006 does not assert that either Suzaki and/or Pawate meet the limitation of a processor operable to determine if received content is for trial use as described in Claim 15, but rather simply disregards these limitations completely. Accordingly, it is respectfully requested that the rejection of Claim 15 also be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

In addition, for purposes of appeal, neither Suzaki nor Pawate teach or suggest a processor that is operable to exit and automatically delete the temporarily stored content in response to receipt of a user command to cease execution or processing of the temporarily stored content as described in Claim 16. Applicant respectfully traverses the assertion on page 14 of the office action mailed October 23, 2006 that the limitations of Claim 16 and Claim 9 are somehow similar since it is immediately apparent that Claim 16 describes automatic deletion of temporarily stored content, which is not described in Claim 9. Instead, the office action appears to simply disregard the limitations of Claim 16 completely. Accordingly, it is respectfully requested that the rejection of Claim 16 also be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c)) Claim 17 describes an indication that the content is trial content. Neither Suzaki nor Pawate teach or suggest any determination of any form of indication, as previously discussed, and the rejection of Claim 17 is also respectfully traversed.

Claim 18 describes deletion of data from a first storage area and a second storage area only in response to a user command. Since these limitations are not in Claim 8 as is apparently asserted on page 14 of the office action mailed October 23, 2006, and these limitations appear to have simply been disregarded, it is respectfully requested that the rejection of Claim 18 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claim 20 describes storage areas identified with a respective indicator. On page 10 of the office action mailed October 23, 2006, it was asserted that Suzaki discloses such limitations. However, other than copying Applicant's claim language, there is no discussion of support in Suzaki for a respective indicator. Instead, the office action appears to simply disregard these

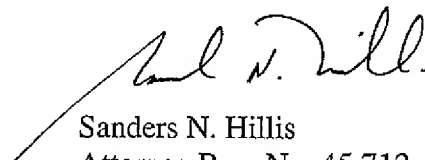
limitations completely. Accordingly, it is respectfully requested that the rejection of Claim 20 also be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claim 22 describes a processor operable to change a status in response to receipt of a user command. Neither Suzuki nor Pawate describe a response to receipt of any form of user command and this rejection is respectfully traversed. Again, the office action appears to simply disregard these limitations, and it is respectfully requested that the rejection of Claim 22 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c)) Also, neither Suzuki or Pawate teach or suggest changes to a status of content as described in Claims 23 and 24, thus, these rejections are also respectfully traversed.

For at least the foregoing reasons, none of the cited prior art either alone or in combination teaches, suggests, or discloses each and every limitation described in Claims 6-24. Thus, a *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 6-24.

In view of the previous remarks, the presently pending claims of this application are allowable, and Applicant respectfully requests issuance a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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